

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:19-CR-00183-RJC-DCK

USA

v.

PHILIP KETTER (5)

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ORDER

**THIS MATTER** is before the Court on the defendant's pro se Motion for Correction of the Presentence Report (PSR). (Doc. No. 385).

The defendant asserts that the PSR should be corrected based on rulings by the Court at his sentencing hearing. The defendant is mistaken: the Court found that the PSR correctly calculated his criminal history points and resulting category, but considered the defendant's objection as a basis for a variance. (Doc. No. 308: Sent. Hr'g Tr. at 4-6). Accordingly, there is nothing to correct.

The defendant also asserts that the President has "passed a bill pardoning simple possession of marijuana on a federal level," invalidating a prior conviction. (Doc. No. 385: Motion at 2-3). The defendant has not shown that the President's intention to issue certificates of pardon to those convicted of violating 21 U.S.C. § 844 requires any action by this Court. See <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/06/granting-pardon-for-the-offense-of-simple-possession-of-marijuana>.

**IT IS, THEREFORE, ORDERED** that the defendant's Motion to Correct, (Doc. No. 385), is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, the United States Attorney, the United States Probation Office, and the United States Marshals Service.

Signed: December 12, 2022

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

